

AMENDED IN ASSEMBLY JANUARY 4, 2010

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 984

Introduced by Assembly Member Nava

February 27, 2009

~~An act to add Sections 6047.5, 6047.7, and 6047.9 to the Business and Professions Code, relating to the State Bar of California. An act to amend Section 152.3 of, and to add Section 152.5 to, the Penal Code, relating to crimes.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 984, as amended, Nava. ~~State Bar of California: law school accreditation. Crimes.~~

Existing law requires, with specified exceptions, that any person who reasonably believes that he or she has observed the commission of either a murder or rape where the victim is a child under the age of 14 years or a lewd or lascivious act with a child under the age of 14 years, as specified, to notify a peace officer by telephone or any other means. The failure to notify a peace officer as required is a misdemeanor with specified penalties.

This bill would delete the age qualification of the victim in the case of murder or rape.

By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The bill would also provide that any person who is knowingly present as a spectator at any place, building, or tenement where any part of a murder or rape, or a lewd or lascivious act, as specified, with a child

under the age of 14 years is occurring, with knowledge he or she is watching the specified crime, with the intent to watch some or all of the crime, and without the intent to report the crime, is guilty of a felony.

By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~The State Bar Act regulates the practice of law in this state by the board of governors of the State Bar. Existing law authorizes the board to establish an examining committee to administer the requirements for admission to practice law. Existing law provides that the Committee of Bar Examiners is charged with the responsibility of accrediting law schools in California and sets forth the standards for that accreditation. Existing law provides for withdrawal of the accreditation or candidacy of a law school that fails to comply with the educational standards, subject to specified hearings and appeals processes.~~

~~This bill would require the board to seek recognition by the Council for Higher Education Accreditation as an institutional accrediting organization, and to ensure compliance with council standards on accreditation. The bill would require the Committee of Bar Examiners to establish an accreditation subcommittee to adopt policies, rules, procedures, and processes for the accreditation of law schools, to be funded by existing resources, as specified. The bill would require the Committee of Bar Examiners to adopt an appellate process for which a law school denied certification may appeal that denial, subject to review by the Council for Higher Education Accreditation or the appellate division of the superior court.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 152.3 of the Penal Code is amended to
2 read:

3 152.3. (a) Any person who reasonably believes that he or she
4 has observed the commission of any of the following offenses

1 ~~where the victim is a child under the age of 14 years~~ shall notify
2 a peace officer, as defined in Chapter 4.5 (commencing with
3 Section 830) of Title 3 of Part 2:

4 (1) Murder.

5 (2) Rape.

6 (3) A violation of paragraph (1) of subdivision (b) of Section
7 288 of the Penal Code.

8 (b) This section shall not be construed to affect privileged
9 relationships as provided by law.

10 (c) The duty to notify a peace officer imposed pursuant to
11 subdivision (a) is satisfied if the notification or an attempt to
12 provide notice is made by telephone or any other means.

13 (d) Failure to notify as required pursuant to subdivision (a) is a
14 misdemeanor and is punishable by a fine of not more than one
15 thousand five hundred dollars (\$1,500), by imprisonment in a
16 county jail for not more than six months, or by both that fine and
17 imprisonment.

18 (e) The requirements of this section shall not apply to the
19 following:

20 (1) A person who is related to either the victim or the offender,
21 including a husband, wife, parent, child, brother, sister,
22 grandparent, grandchild, or other person related by consanguinity
23 or affinity.

24 (2) A person who fails to report based on a reasonable mistake
25 of fact.

26 (3) A person who fails to report based on a reasonable fear for
27 his or her own safety or for the safety of his or her family.

28 *SEC. 2. Section 152.5 is added to the Penal Code, to read:*

29 *152.5. Any person who is knowingly present as a spectator at*
30 *any place, building, or tenement where any part of a crime*
31 *specified in Section 152.3 is occurring, with knowledge he or she*
32 *is watching the specified crime, with the intent to watch some or*
33 *all of the crime, and without the intent to report the crime, is guilty*
34 *of a felony.*

35 *SEC. 3. No reimbursement is required by this act pursuant to*
36 *Section 6 of Article XIII B of the California Constitution because*
37 *the only costs that may be incurred by a local agency or school*
38 *district will be incurred because this act creates a new crime or*
39 *infraction, eliminates a crime or infraction, or changes the penalty*
40 *for a crime or infraction, within the meaning of Section 17556 of*

1 *the Government Code, or changes the definition of a crime within*
2 *the meaning of Section 6 of Article XIII B of the California*
3 *Constitution.*

4 ~~SECTION 1. Section 6047.5 is added to the Business and~~
5 ~~Professions Code, to read:~~

6 ~~6047.5. The board shall seek recognition by the Council for~~
7 ~~Higher Education Accreditation as an institutional accrediting~~
8 ~~organization, and shall ensure compliance with the certification~~
9 ~~standards set forth by the Council for Higher Education~~
10 ~~Accreditation.~~

11 ~~SEC. 2. Section 6047.7 is added to the Business and Professions~~
12 ~~Code, to read:~~

13 ~~6047.7. (a) A permanent accreditation subcommittee shall be~~
14 ~~established by the Committee of Bar Examiners to promulgate~~
15 ~~policies, rules, procedures, and processes for law schools seeking~~
16 ~~accreditation by the committee, subject to the standards described~~
17 ~~in Section 6047.5.~~

18 ~~(b) (1) The accreditation subcommittee shall consist of seven~~
19 ~~members as follows:~~

20 ~~(A) One member appointed by the Governor.~~

21 ~~(B) One member appointed by the Senate Committee on Rules.~~

22 ~~(C) One member appointed by the Speaker of the Assembly.~~

23 ~~(D) Two members appointed by California accredited law~~
24 ~~schools.~~

25 ~~(E) Two members appointed by the Committee of Bar~~
26 ~~Examiners, at least one of whom shall have experience in legal~~
27 ~~education and administration.~~

28 ~~(2) Accreditation subcommittee members shall serve staggered~~
29 ~~terms of five years. In order to establish staggered terms, two initial~~
30 ~~members shall be appointed for three years, two shall be appointed~~
31 ~~for four years, and three shall be appointed for five years. Each~~
32 ~~subcommittee member shall be eligible to be reappointed for no~~
33 ~~more than one additional consecutive term.~~

34 ~~(c) The accreditation subcommittee shall be funded solely from~~
35 ~~dues, fees, and inspection costs assessed on California accredited~~
36 ~~law schools and from those portions of the State Bar currently~~
37 ~~allocated for the oversight and regulation of California accredited~~
38 ~~law schools.~~

39 ~~SEC. 3. Section 6047.9 is added to the Business and Professions~~
40 ~~Code, to read:~~

1 ~~6047.9. (a) Any law school denied accreditation by the~~
2 ~~Committee of Bar Examiners may appeal that denial pursuant to~~
3 ~~subdivision (b).~~

4 ~~(b) For purposes of subdivision (a), the Committee of Bar~~
5 ~~Examiners shall develop and implement an appellate process for~~
6 ~~which a law school denied accreditation may appeal that denial,~~
7 ~~which appellate process shall allow for review by the Council for~~
8 ~~Higher Education Accreditation or the appellate division of the~~
9 ~~superior court.~~

O